

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON B. NICHOLAS,

Plaintiff,

-v-

WILLIAM BRATTON, *Police Commissioner*,
New York City Police Department, et al.,

Defendants.

15-CV-9592 (JPO)

OPINION AND ORDER

J. PAUL OETKEN, District Judge:

Before the Court are the parties' competing proposals with respect to further proceedings in this matter. (Dkt. No. 236.) Having considered the parties' positions, the Court adopts Plaintiff's proposal that the parties proceed with discovery on Plaintiff's *Monell* claims at this time. With respect to the parties' disagreement over whether Plaintiff's prior-restraint claim remains live in this action (Dkt. No. 236 at 1–2 n.2 & 9 n.10), the Court agrees with Plaintiff that this claim remains live because it was adequately pleaded (*see* Dkt. No. 233 at 4–8) and because no party presented arguments sufficient to warrant disposing of Plaintiff's prior-restraint claim as a matter of law at the summary judgment stage (*see* Dkt. No. 233 at 8–14).

In connection with discovery for Plaintiff's *Monell* claims, the parties shall adhere to the following discovery schedule:

- The deadline for the close of fact discovery on Plaintiff's *Monell* claims shall be December 10, 2019.
- The deadline for the close of expert discovery on Plaintiff's *Monell* claims shall be February 10, 2020.

- Counsel for the parties shall appear before the Court for a pretrial conference to be held on January 9, 2020, at 11:00 a.m.

SO ORDERED.

Dated: June 10, 2019
New York, New York



J. PAUL OETKEN
United States District Judge